

**BEFORE THE
DEPARTMENT OF NATURAL RESOURCES
NOTICE OF PUBLIC HEARINGS on**

Proposed Redesignation of the Counties of Manitowoc and Door from Nonattainment to Attainment of the 1-Hour National Ambient Air Quality Standard (NAAQS) for Ozone, including Maintenance Plans.

Proposed updates to the Sheboygan County and Kewaunee County 1-Hour Ozone Maintenance Plans reflecting a regional approach as proposed for Manitowoc and Door.

Proposed updated transportation conformity budgets using the MOBILE6 emissions model for Sheboygan County, Manitowoc County, Kewaunee County and Door County for maintaining the 1-Hour NAAQS for Ozone and proposed revision to the Phase III Ozone Attainment Demonstration State Implementation Plan (SIP) transportation conformity budgets for the Milwaukee area (Kenosha, Milwaukee, Ozaukee, Racine, Washington, and Waukesha Counties) using the MOBILE6 emissions model.

Proposed revision to the Ozone SIP establishing a milestone VOC and NOx inventory for 1999.

NOTICE IS HEREBY GIVEN that pursuant to ss.285.11(5)and(6) and 285.23 Stats., and ch. NR401, Wis. Adm. Code, the Department of Natural Resources will hold a public hearing on its proposal to redesignate the counties of Manitowoc and Door from nonattainment to attainment of the 1-hour NAAQS for ozone and to adopt attainment maintenance plans, updated transportation conformity budgets and a milestone inventory related to the 1-hour NAAQS for ozone for Sheboygan County, Manitowoc County, Kewaunee County and Door County. The milestone inventory and the transportation conformity updates also affect the 6-county area including the counties of Kenosha, Milwaukee, Ozaukee, Racine, Washington and Waukesha.

Background

In May of this year, the Department noticed a redesignation proposal for a broader set of Wisconsin counties (8) including all of the three current ozone nonattainment areas based on their monitored air quality status at the close of the 2001 ozone season. Hearings for that proposal were held in Manitowoc and Milwaukee on June 24 and June 27 respectively. During the time just prior to and during the week of those hearings the Lake Michigan region, including the Wisconsin nonattainment areas, were experiencing an extended episode of elevated ozone concentration that ultimately resulted in renewed violation of the one hour standard in the six county Milwaukee area and for the nonattainment ozone areas in northern Illinois and Indiana. As a result, the prior draft redesignation packages developed by the three states for their respective areas were not submitted to US-EPA and this redesignation request is constrained to the two northern ozone nonattainment areas still federally eligible for changed air quality status to attainment for one hour ozone. The status of the Sheboygan and Kewaunee County ozone areas will not change, having previously been redesignated to attainment and not showing violation of the standard. This package updates their maintenance plans to be consistent with the new plans proposed for Door County and Manitowoc County.

Proposed Redesignation

The redesignation of Door County and Manitowoc County to attainment will alter the permitting requirements for new sources of volatile organic compound (VOC) emissions in these two areas. Redesignation will raise the major source threshold, change the required emission control technology for major sources and eliminate the need for acquiring VOC offsets prior to construction of major sources and major modifications of major sources. All other aspects of the Wisconsin's ozone control program and the related air quality management program commitments in these areas will remain as currently adopted and approved by the U.S.-Environmental Protection Agency (EPA). This includes the VOC and nitrogen oxides (NOx) emission control programs embodied in the State Implementation Plan (SIP) for Ozone Control, and a continued commitment to air quality monitoring, periodic inventory reports, operation and new construction permits, and other related air quality management efforts.

Maintenance Plans

The Department has also developed Maintenance Plans as part of this Redesignation proposal, which are founded on a regional approach to contingency measures that would address any violation of the 1-hour

ozone standard that may occur in the future. Wisconsin worked with the States of Illinois and Indiana, the Lake Michigan Air Directors Consortium (LADCO) and EPA in the development of a Regional Contingency Plan. That plan includes specific regional air quality evaluation triggers that affect Wisconsin and a commitment by the state to work with Illinois and Indiana if it becomes necessary to pursue additional emission control measures to maintain the standard in the region through 2007. The contingent response and the identified measures include state and federal programs already planned and the mechanism to identify potential new programs through the maintenance period of 2002-2012.

Because upwind states have been shown by EPA to contribute significantly to ozone problems in Wisconsin and the broader Lake Michigan region, the Maintenance Plans assume the upwind areas comply with the NOx reduction objectives of EPA's NOx SIP call through the maintenance period. Additionally, part of the Maintenance Plans is a continued commitment to the ozone control programs contained in the 2000 regional attainment demonstrations for the year 2007. The continued regional 1-hour ozone attainment demonstration for 2007 and these maintenance plans also assume that existing federal rules and actions that reduce emissions from on-road and off-road mobile sources achieve their projected air quality benefits.

In addition to establishing maintenance plans for Manitowoc County and Door County; the proposal includes updated maintenance plans for Sheboygan County and Kewaunee County. The new plans will replace all current commitments to discrete contingent control measures for the two existing maintenance areas with measures founded on this regional approach.

Transportation Conformity Budgets

As part of the Maintenance Plans and revision to the Phase III Ozone Attainment Demonstration State Implementation Plan, (SIP), this proposal also includes new transportation conformity budgets for VOC and NOx using the MOBILE6 emissions model for the 4-County area of Sheboygan County, Manitowoc County, Kewaunee County and Door County for the years 2007 and 2012. In addition, new transportation conformity budgets were developed using the MOBILE6 emissions model for the Milwaukee area, (Kenosha, Milwaukee, Ozaukee, Racine, Washington, and Waukesha Counties) for the year 2007. Once these budgets are found adequate for conformity assessment purposes by EPA, any current budgets in place for 2002, 2005 and 2007 will be superseded.

Ozone SIP Milestone Inventory for 1999

Part of the ongoing ozone SIP for the 1-hour ozone NAAQS is a periodic or milestone inventory for the key emissions that contribute to ozone formation – volatile organic compounds (VOC) and nitrogen oxides (NOx). These inventories are developed on a regular, 3 year cycle and reflect the actual ozone season emissions reduction progress associated with reaching attainment air quality. While separately required for the remaining nonattainment counties, the inventories were developed to support the redesignation request's demonstration of emissions reduction for the new maintenance areas. The update to the two existing maintenance plans is supported by the inclusion of all the ten affected counties in the 1999 inventory.

This proposal does not apply to the Walworth County Ozone Attainment Maintenance Area. The proposal also does not affect the future development of plans, rules or control programs related to the designation of nonattainment areas for the recently promulgated 8-hour NAAQS for ozone. EPA has not determined the impact of the 8-hour NAAQS for ozone on new source permitting and offset requirements for major sources of VOCs or NOx in Wisconsin, nor the geographic application of 8-hour NAAQS nonattainment designations.

NOTICE IS HEREBY FURTHER GIVEN that the public hearings on the proposed redesignation and maintenance plans will be held on:

Friday, November 22, 2002, at 1 p.m.
U.W. Sheboygan, Room MA113
One University Drive
Sheboygan, WI

Additional technical materials supporting the proposed redesignation request and the proposed maintenance plans, the technical assumptions regarding modeling and emissions and the proposed contingent regional evaluations and contingent emission controls are available from the Department. Please call Robert Lopez at (608) 267-5284 regarding these materials, or, visit the Bureau of Air Management, Wisconsin DNR web-site at http://www.dnr.state.wi.us/org/air/hot/1hr_redes/index.htm.

NOTICE IS HEREBY FURTHER GIVEN that pursuant to the Americans with Disabilities Act, reasonable accommodations, including the provision of information material in an alternative format, will be provided for qualified individuals with disabilities upon request. Please call Robert Lopez at (608) 267-5284 with specific information on your request at least 10 days before the date of the scheduled public hearing.

Written comments on the proposed SIP revisions may be submitted to Mr. Robert Lopez, Bureau of Air Management, P.O. Box 7921, Madison, WI 53707 no later than December 3, 2002. Written comments will have the same weight and effect as oral statements presented at the hearings.

A copy of the Redesignation Proposal may be obtained from:

Proposed Redesignation
Bureau of Air Management
P.O. Box 7921
Madison, WI 53707

Phone: (608) 266-7718
FAX: (608) 267-0560

Dated at Madison, Wisconsin _____ October 17, 2002_.

STATE OF WISCONSIN
DEPARTMENT OF NATURAL RESOURCES

By _Darrell Bazzell_
Darrell Bazzell, Secretary